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Gregory M. Zinkl, Ph.D.

Name of Applicant(s) Representative

  
Signature

06/17/02

Date of Signature

Our Case No. 5404/18

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Atsuhiko Shinmyo et al.	)	
	)	Examiner: Not Assigned
Serial No. 10/049,710	)	
	)	Group Art Unit No. Not Assigned
Filing Date: February 15, 2002	)	
	)	
For METHOD OF INDUCING GENE	)	
EXPRESSION IN PLANT AND	)	
PLANT TREATED THEREBY	)	

### INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. § 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

Applicant(s) respectfully request that the listed documents be made of record in  
the present case.

Respectfully submitted,



\_\_\_\_\_  
Gregory M. Zinkl, Ph.D.  
Registration No. 48,492  
Applicant(s) Representative

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
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FORM PTO-1449		SERIAL NO.	CASE NO.
		10/049,710	5404/18
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT		FILING DATE	GROUP ART UNIT
		February 15, 2002	Not Assigned
(use several sheets if necessary)		APPLICANT(S): Atsuhiko Shimmyo et al.	

**REFERENCE DESIGNATION**      **U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
A1	5,364,780	11/15/1994	Hershey et al.		
A2	5,614,395	03/25/1997	Ryals et al.		
A3	5,965,387	10/12/1999	Jepson et al.		

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES NO
A4	JP 6-339384	07/15/1992	Japan		Abstract

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
A5	Christiane, Gatz and Ingo Lenk, "Promoters That Respond to Chemical Inducers," <i>Trends in Plant Sciences</i> , Vol. 3, No. 9, September 1998, pgs. 352-358.	
A6	Kinoshita, Hiroshi, Hiromi Ipposhi, Susumu Okamoto, Hiroko Nakano, Takuya Nihira and Yasuhiro Yamada, "Butyrolactone Autoregulator Receptor Protein (BarA) as a Transcriptional Regulator in <i>Streptomyces virginiae</i> ," <i>Journal of Bacteriology</i> , Vol. 179, No. 22, November 1997, pp. 6986-6993.	
A7	Kinoshita, Hiroshi, Tomohiro Tsuji, Hiromi Ipposhi, Takuya Nihira and Yasuhiro Yamada, "Characterization of Binding Sequences for Butyrolactone Autoregulator Receptors in <i>Streptomycetes</i> ," <i>Journal of Bacteriology</i> , Vol. 181, No. 16, August 1999, pp. 5075-5080.	
A8	Kitani, Shigeru, Hiroshi Kinoshita, Takuya Nihira and Yasuhiro Yamada, "In Vitro Analysis of the Butyrolactone Autoregulator Receptor Protein (FarA) of <i>Streptomyces lavendulae</i> FRI-5 Reveals that FarA Acts as a DNA-Binding Transcriptional Regulator That Controls Its Own Synthesis," <i>Journal of Bacteriology</i> , Vol. 181, No. 16, August 1999, pp. 5081-5084.	
A9	Nakano, Hiroko, Emio Takehara, Takuya Nihira and Yasuhiro Yamada, "Gene Replacement Analysis of the <i>Streptomyces Virginiae</i> barA Gene Encoding the Butyrolactone Autoregulator Receptor Reveals that BarA Acts as a Repressor in virginiamycin Biosynthesis," <i>Journal of Bacteriology</i> , Vol. 180, No. 13, July 1998, pp. 3317-3322.	
A10	Okamoto, Susumu, Kenji Nakamura, Takuya Nihira and Yasuhiro Yamada, "Virginiae Butanolide Binding Protein from <i>Streptomyces virginiae</i> : Evidence That VbrA Is Not the Virginiae Butanolide Binding Protein and Reidentification of the True Binding Protein," <i>The Journal of Biological Chemistry</i> , Vol. 270, No. 20, May 19, 1995, pp. 12319-12326.	
A11	Onaka, Hiroyo, Noriko Ando, Takuya Nihira, Yasuhiro Yamada, Teruhiko Beppu and Sueharu Horinouchi, "Cloning and Characterization of the A-Factor Receptor Gene from <i>Streptomyces griseus</i> ," <i>Journal of Bacteriology</i> , Vol. 177, No. 21, November 1995, pp. 6083-6092.	

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	SERIAL NO. 10/049,710	CASE NO. 5404/18
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>	FILING DATE February 15, 2002	GROUP ART UNIT Not Assigned
(use several sheets if necessary)	APPLICANT(S): Atsuhiko Shinmyo et al.	

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
A12	Waki, Miyoko, Takuya Nihira and Yasuhiro Yamada, "Cloning and Characterization of the Gene (farA) Encoding the Receptor for an Extracellular Regulatory Factor (IM-2) From Streptomyces sp. Strain FRI-5," <i>Journal of Bacteriology</i> , Vol. 179, No. 16, August 1997, pp. 5131-5137.	

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The references now cited are the following:

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5,364,780	11/15/1994	Hershey et al.
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Christiane, Gatz and Ingo Lenk, "Promoters That Respond to Chemical Inducers," <i>Trends in Plant Sciences</i> , Vol. 3, No. 9, September 1998, pp. 352-358.
Kinoshita, Hiroshi, Hiroomi Ipposhi, Susumu Okamoto, Hiroko Nakano, Takuwa Nihira and Yasuhiro Yamada, "Butyrolactone Autoregulator Receptor Protein (BarA) as a Transcriptional Regulator in <i>Streptomyces virginiae</i> ," <i>Journal of Bacteriology</i> , Vol. 179, No. 22, November 1997, pp. 6986-6993.
Kinoshita, Hiroshi, Tomohiro Tsuji, Hiroomi Ipposhi, Takuwa Nihira and Yasuhiro Yamada, "Characterization of Binding Sequences for Butyrolactone Autoregulator Receptors in Streptomycetes," <i>Journal of Bacteriology</i> , Vol. 181, No. 16, August 1999, pp. 5075-5080.
Kitani, Shigeru, Hiroshi Kinoshita, Takuwa Nihira and Yasuhiro Yamada, "In Vitro Analysis of the Butyrolactone Autoregulator Receptor Protein (FarA) of <i>Streptomyces lavendulae</i> FRI-5 Reveals that FarA Acts as a DNA-Binding Transcriptional Regulator That Controls Its Own Synthesis," <i>Journal of Bacteriology</i> , Vol. 181, No. 16, August 1999, pp. 5081-5084.
Nakano, Hiroko, Emio Takehara, Takuwa Nihira and Yasuhiro Yamada, "Gene Replacement Analysis of the <i>Streptomyces virginiae</i> barA Gene Encoding the Butyrolactone Autoregulator Receptor Reveals that BarA Acts as a Repressor in Virginiamycin Biosynthesis," <i>Journal of Bacteriology</i> , Vol. 180, No. 13, July 1998, pp. 3317-3322.
Okamoto, Susumu, Kenji Nakamura, Takuwa Nihira and Yasuhiro Yamada, "Virginiae Butanolide Binding Protein from <i>Streptomyces virginiae</i> : Evidence That VbrA Is Not the Virginiae Butanolide Binding Protein and Reidentification of the True Binding Protein," <i>The Journal of Biological Chemistry</i> , Vol. 270, No. 20, May 19, 1995, pp. 12319-12326.
Onaka, Hiroyasu, Noriko Ando, Takuwa Nihira, Yasuhiro Yamada, Teruhiko Beppu and Sueharu Horinouchi, "Cloning and Characterization of the A-Factor Receptor Gene from <i>Streptomyces griseus</i> ," <i>Journal of Bacteriology</i> , Vol. 177, No. 21, November 1995, pp. 6083-6092.
Waki, Miyoko, Takuwa Nihira and Yasuhiro Yamada, "Cloning and Characterization of the Gene (farA) Encoding the Receptor for an Extracellular Regulatory Factor (IM-2) From <i>Streptomyces</i> sp. Strain FRI-5," <i>Journal of Bacteriology</i> , Vol. 179, No. 16, August 1997, pp. 5131-5137.

A copy of an English Language Abstract of each of these references is attached to the corresponding reference.